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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,803	09/28/2006	Alfred Thomas	247079-000238USPX	6715
70243	7590	10/27/2010		
NIXON PEABODY LLP 300 S. Riverside Plaza 16th Floor CHICAGO, IL 60606			EXAMINER LEICHLITER, CHASE E	
			ART UNIT	PAPER NUMBER
			3714	
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			10/27/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,803	<b>Applicant(s)</b> THOMAS, ALFRED	
	<b>Examiner</b> CHASE LEICHLITER	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The examiner acknowledges the amendments to the claims filed 08/13/2010 including the cancelation of claims 1-55 and the addition of claims 56-75. No new matter appears to have been added in this amendment.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 56-75 rejected under 35 U.S.C. 102(e) as being anticipated by Gauselmann (US 2005/0055113).

**Regarding claim 56**, Gauselmann teaches a method comprising:

- Using a processor to conduct the wagering game, the wagering game having an outcome randomly selected from a plurality of possible outcomes (P41 and P19), the plurality of possible outcomes including a first outcome and a second outcome (P19), the second outcome being different from the first

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- outcome (P19, array and symbols A-O dictate a number of different outcomes);
- Displaying the randomly selected outcome on a display device (P18);
  - Increasing an amount of a first set of one or more of the prize pools in response to the randomly selected outcome being the first outcome (P22 and P23), and increasing an amount of a second set of one or more of the prize pools in response to the randomly selected outcome being the second outcome (P22 and P23), the second set being different from the first set (Figures 1 and 2, P20);
  - And awarding one or more of the prize pools in response to the randomly selected outcome being a prize-pool award outcome (P27).

**Regarding claim 65,** Gauselmann teaches a gaming system comprising:

- A controller (P37);
- A plurality of gaming terminals coupled to the controller (P37), each of the plurality of gaming terminals having a wagering game (P40), the wagering game having a plurality of symbols that indicate an outcome randomly selected from a plurality of possible outcomes (P41 and P19), the plurality of possible outcomes including a first outcome and a second outcome (P19), the first outcome being different from the second outcome (P19, array and symbols A-O dictate a number of different outcomes);
- A plurality of prize pools linked to the plurality of gaming terminals (P37), one or more of the plurality of prize pools defining a first set and one or more of

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- the plurality of prize pools defining a second set (Figures 1 and 2, P22 and P23), the first set of one or more prize pools being different from the second set of one or more prize pools (Figures 1 and 2, P20), the first set of one or more prize pools increasing in response to the randomly selected outcome being the first outcome (P22 and P23), and the second set of one or more prize pools increasing in response to the randomly selected outcome being the second outcome (P22 and P23);
- And wherein one or more of the plurality of prize pools is awarded in response to the randomly selected outcome being a prize-pool award outcome (P27).

**Regarding claim 75,** Gauselmann teaches a gaming terminal comprising:

- A wager-input device for receiving a wager from a player (P42, player control inputs 70);
- At least one display for displaying a plurality of symbols that indicate a randomly selected outcome of the wagering game after the wager-input device has received the wager (P18 and P19), the randomly selected outcome being randomly selected from a plurality of possible outcomes (P19), the plurality of possible outcomes including a first outcome and a second outcome (P19), the first outcome being different from the second outcome (P19, array and symbols A-O dictate a number of different outcomes);
- The at least one display further displaying at least one of a plurality of prize pools for the wagering game (P18 and P36), one or more of the plurality of

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- prize pools defining a first set and one or more of the plurality of prize pools defining a second set (Figures 1 and 2, P22 and P23), the first set of one or more prize pools being different from the second set of one or more prize pools (Figures 1 and 2 and P20);
- And wherein the first set of one or more prize pools are increased in response to the randomly selected outcome being the first outcome (P22 and P23) and the second set of one or more prize pools are increased in response to the randomly selected outcome being the second outcome (P22 and P23).

**Regarding claims 57 and 72,** Gauselmann teaches the prize-pool award outcome is a first prize-pool award outcome and the plurality of possible outcomes also includes a second prize- pool award outcome (P27 L1-6), a first group of one or more prize pools being awarded in response to the first prize-pool award outcome (P27 L1-6 and P33 L7-12), and a second group of one or more prize pools being awarded in response to the second prize-pool award outcome (P27 L1-6 and P33 L7-12).

**Regarding claims 58 and 73,** Gauselmann teaches the plurality of prize pools include a terminal-level prize pool associated with only the gaming terminal (P26 L3-13).

**Regarding claims 59 and 74,** Gauselmann teaches the plurality of prize pools further include at least one bank-level prize pool and at least one wide-area prize pool (P37 and P41), the bank-level prize pool being associated with a bank of adjacent gaming terminals within the plurality of gaming terminals (P37, LAN), the wide-area prize pool being associated with gaming terminals that are remote from one another (P41, network using Ethernet or other protocols).

**Regarding claims 60 and 70**, Gauselmann teaches the first set includes all of the plurality of prize pools, and the second set includes less than all of the plurality of prize pools (P27 L6-9).

**Regarding claims 61 and 71**, Gauselmann teaches each of the plurality of prize pools are increased by a different amount in response to the randomly selected outcome being the first outcome (P31).

**Regarding claims 62 and 66**, Gauselmann teaches each of the one or more prize pools in the first set are increased by an amount that is randomly determined in response to the randomly selected outcome being the first outcome (P22).

**Regarding claim 63**, Gauselmann teaches receiving a wager amount for the wagering game, the first set of one or more prize pools being increased by an amount equal to or greater than the wager amount in response to the randomly selected outcome being the first outcome (P35 L5-10).

**Regarding claim 64**, Gauselmann teaches receiving a wager amount for the wagering game, the first set of one or more prize pools being increased by a percentage of the wager amount in response to the randomly selected outcome being the first outcome (P35 L5-10).

**Regarding claim 67**, Gauselmann teaches one or more displays for displaying one or more of the plurality of prize pools (P36 and P37).

**Regarding claim 68**, Gauselmann teaches each of the plurality of gaming terminals includes one of the one or more displays (P36 and P37).

**Regarding claim 69**, Gauselmann teaches a signage located adjacent to the plurality of gaming terminals, the signage displaying one or more of the plurality of prize pools (P36 and P37).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHASE LEICHLITER whose telephone number is (571)270-7109. The examiner can normally be reached on Monday through Friday 9am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571)272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. L./  
Examiner, Art Unit 3714

/David L Lewis/  
Supervisory Patent Examiner, Art Unit 3714